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MALUR & BRUNDIDGE, P.C.
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SUITE 370
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Patent No. 6,921,515 :
Issue Date 26 July, 2005 :
Application No. 10/000,083 : **DECISION**
Filed: 4 December, 2001 :
Attorney Docket No. (None)/NIP-155-02 :

This is a decision on the petition filed on 9 August, 2007, requesting issuance of duplicate Letters Patent for the above-identified patent/application under 37 C.F.R. §1.182.¹

The Office regrets the delay in addressing the instant matter, however, while a decision previously was prepared, signed and sent for mailing, it now appears that mailing did not occur.

The petition is **GRANTED**.

BACKGROUND

Petitioner has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

In the original petition, Petitioner failed to indicate that the documents were not received; that once received they were misplaced, lost, destroyed or the like, and so the petition was dismissed on 24 July, 2007.

¹ The regulations at 37 C.F.R. §1.182 provide:

§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h). [47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

Petitioner has declared that the patent was lost in shipment from Petitioner to the foreign associate, and has demonstrated that the petition fee has been paid.


The Publishing Division is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

The file is being released to the IFW Repository.

Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ms. Krystal Paige, OPPD, South Tower 8C29, Phone (703) 308-9250, ext 139; FAX (571) 270-9937.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc: Ms. Krystal Paige, ST/8C29 FAX: (571) 270-9937

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.